Supreme Court, U.S.
FILED
04-580 AUG 14 2004
OFFICE OF THE CLERK

In the

Supreme Court of the United States

RONALD SORENSON, ALSO KNOWN AS RON JAMES,
Petitioner,

v.

THE STATE OF NEW YORK, NYS ASSEMBLY,
NEW YORK STATE SENATE,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

RONALD SORENSON
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QUESTIONS FOR REVIEW

QUESTION - How is the State of New York allowed such liberal freedoms with the United States Constitution as it applies to the passage of bills which are in opposition against so many without referendum, vote, or pre-clearance by the people?

QUESTION - Under "ex-post facto" law, something that previously has always been legal, without regard for the ramifications such law has as related to the constitutional rights of the people, what constitutional rights am I guaranteed within the state of New York, before my property is confiscated?

QUESTION - Is the Supreme Court compelled by constitutional law or by discretionary authority?

QUESTION - Although the Court feels that I have raised novel constitutional issues and questions that have never been addressed before, shouldn't they be sufficient to sustain a mandatory injunction?

QUESTION - The Supreme Court Ruled in 1867 that a "Bill of Attainder" was illegal, because it names individuals or sets up groups of individuals from which there is no escape: there is punishment: and no trial by a court. Isn't this a violation of my Fourteenth Amendment Rights?

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CITATIONS

Court:	United States Court of Appeals for the Second Circuit of New York Thurgood Marshall U. S Court House 40 Foley Square New York
Case:	03-7327
Dated:	4 April 2004
Present:	Hon. Richard J. Cardamone, Hon. Dennis Jacobs, Circuit Judges, Hon. Edward R. Korman, District Judge.
Opinion:	UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUGED AND DECREED that the judgment of the district court be AFFIRMED.
Date:	4 June 2004
Court:	United States District Court for the Northern District of New York
Case:	02-cv-1536
Present:	Hon. Thomas J. McAvoy
Opinion:	CONDITIONAL ORDER OF DISMISSAL:
Dated:	24 December 2002

JURISDICTION

1 Violation of article IV, Section 2 to the Constitution of the United States as it applies to targeted groups or individuals by governmental officials.

2 Violation of Article I, Section 9, Clause 3 and Article I, Section 10, Clause 2 to the Constitution of the United States as it applies to "ex post facto law".

3 Violation of Article III, Section 2, Clause 3 to the constitution of the United States as it applies to punishment and separate treatment without jury trial.

4. Violation of the Fifth Amendment as it applies to special registration requirements of companion animals/pets separate from other persons, which does away with due process protections, and violations within the New York State bill in denying compensation for confiscated animals and materials.

5. Violation of 42 USC Section 1981, 2000h– Civil rights

6. Erroneous Ruling

Date entered within the Supreme Court of the United States – 13 August 2004 – returned 19 August 2004 for failure to comply with federal rule 14.

Date allowed for a Petition for Rehearing was on approximately 19 July 2004, or 45 days from 4 June 2004.

Summary Order dated 4 June 2004 of the United States Court

of Appeals for the Second Circuit gave allowance to submit Petition for Writ of Certiorari.

Summary Order of the United States Court of Appeals for the Second Circuit was filed June 4, 2004.

STATUTORY PROVISION FOR COURT JURISDICTION

42 USC Section 1981,2000h Civil Rights- Injunctive Relief - Harmful Error.

First the Court of Appeals erred by applying harmless error to that which they wished to deem as hypothetical, rather than the additional constitutional claims which were not preserved as legitimate, but which were within the standards of legitimate and questionable rights. If the Court of Appeals had looked to the entire record to determine the District Courts decision, under their own standards the record would have shown that applying harmless hypothetics to this question of civil rights and ex-post factoring was not harmless error, but plain error.

My second argument is that the proper inquiry into my claim affects the substantial civil rights of all citizens of this nation just by its outcome. It doesn't matter what standard you apply, harmless error or plain error, one thing is clear, these constitutional infringements will now become constitutional abolishments. In denial of my claim on its face the court of appeals have played a key role of mal-apportionment as it applies tot he people vs state legislation. Under the voting rights act there must be pre-clearance legislation installed so that bills cannot be adopted, submitted, and signed into law

without injunctive relief.

Lastly, the Court of Appeals has strayed from their task by not considering not only the States discriminatory intent, but also the discriminatory and disparate impact. One must agree that the State of new York is intending to give effect to what was proposed, and if we should agree with obvious thinking that there is no pre-clearance plan for extenuating circumstances, than it would be appropriate to vacate the lower courts decision to the extent, that this claim must rest solely on its constitutional ground.

STATEMENT OF THE CASE

PLEASE TAKE NOTICE, that I Ronald Sorenson marine veteran, do appeal from the decision of the United States Court of Appeals for the Second Circuit for dismissing my challenges to a state statute that requires owners and possessors of wild/exotic animals to "report the presence thereof to the clerk of the city, town, or village in which such animals are owned, possessed, or harbored," and pay exorbitant fees. My claim argues that neither New York State nor the New York City Health Code applied to me since I was licensed by the United States Department of Agriculture in 1992. I began to file against the state in 2001 for never informing its constituents of change within policy nor to allow for referendum or possible vote. New York State speaks of health concerns and safety issues, but without comparative study, exotic owners are targeted (Article IV, Section 2 of the Constitution of the United States). The State of New York has violated what is known as a "bill of attainder or ex post facto law" (Article 1, Section 9, Clause 3 and Article 1 Section 10, Clause 2 to the U.S. Constitution), which guarantees that no

legislative act including the Congress of the United States, in any form shall attack named individuals or easily ascertainable members of such a group in such a way as to inflict punishment on them without judicial trial (Article III, section 2, Clause 3 of the Constitution of U.S.), which at present makes me criminal under New York State and City Penal Law. The registration requirements violates my fifth amendment rights in that the registration requirements do away with my due process protections and the right to compensation of confiscated companion animals, as noted in NYS Senate Bill 7616.

If my rights are to be maintained, laws of animal taxation and registration must apply to all and at the same rates, and not as a separate class which is a civil rights violation under the "separate but equal doctrine" (Fourteenth Amendment and 42 USC Section 1981, 2000h). There is violation under the fourth amendment as it applies to searches and seizures, the fifth amendment as it applies to registrations in which a person must testify against himself through registrations, and that private property may not be taken for public use without payment of just compensation.

The State Legislation also violates the eighth amendment as it applies to the fee of $80 per animal as cruel and unusual punishment.

The United States Court of Appeals said that they could not assist me even if there was constitutional question, because I was in violation of 24 RCNY Hlth. Code, Section 161.01(a) within the City of new York. The question arises as to what state of emergency was the city speaking of to file a reformatjon of the health code against "Capuchin or New World Monkeys, and if not of emergency in nature, than their

actions were that of a legislative nature, which is again a constitutional violation since we allude to "bill of attainder" or "ex post facto" law. Possession is said to be 9/10 of the law, and if my animals are confiscated, what position does that place me in to recapture my loss?

STAGE OF PROCEEDINGS

First Court of Instance:	United States Court/Northern District of New York
Date:	
Federal Questions Raised:	
Court Opinion/Date	
Appellate Court:	United States Court of Appeals for the Second Circuit
Date:	4 June 2004
Federal Questions Raised:	Equal Protection Grounds
Court Opinion/Date;	Case denied on 4 June 2004 Judgment of the District Court is hereby affirmed
U.S. Supreme Court:	United States Supreme Court
Date:	13 August 2004
Federal Questions Raised:	Equal Protection Grounds - Ex-Post Facto Law - Searches and Seizures - 42USC Section 1981,2000h Civil Rights-Injunctive Relief - Harmful Error

REASONS FOR GRANTING THE WRIT

Argument is before the Supreme Court of the United States because the Court of Appeals for the Second Circuit of New York used erroneous judgment by applying conjectural and hypothetical rationale arguendo, opposed to the blatant constitutional violations against my person.

Under the color of law I have been registered and inspected by the USDA for some 15 years, therefore the federal courts have legal standing as to whether me, as a legal participant in our society should now be judged as criminal, but even so, if my civil rights were guaranteed 15 years ago, how do you now take them from me and deem my argument as hypothetical?

Respectfully submitted,

RONALD SORENSON
Pro Se

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RONALD SORENSON, also known as Ron James,

Plaintiff,
1:02-CV-1536
(TJM)(RFT)

-v-

STATE OF NEW YORK; NYS ASSEMBLY;
NEW YORK STATE SENATE,

Defendants.

APPEARANCES:

RONALD SORENSON a/k/a Ron James
Plaintiff, *pro se*
142A Van Courtland Park South
Bronx, New York 10463

THOMAS J. MCAVOY, JUDGE

DECISION AND ORDER

Presently before the Court is an amended complaint filed by Ronald Sorenson, a/k/a Ron James ("plaintiff" or "Sorenson"). Sess docket no. 3. This complaint was submitted by Sorenson in compliance with the Order issued by this Court on December 27, 2002. Docket no. 2 ("December Order"). Plaintiff has also filed a request for class certification. Docket no. 3.

In its December Order, this Court advised plaintiff that federal courts cannot rule on the constitutionality of a statute unless a pending dispute requires that the court reach that determination to resolve the suit, U.S. v. Raines, 362 U.S. 17, 20 (1960); see also St. Martin's Press v. Carey, 605 F.2d 41 (2d Cir. 1979). In other words, a federal court does not have jurisdiction to hear an action which merely seeks the Court to declare a statute unconstitutional. However, if, in the course of deciding a case, a court must address whether a law violates the constitution that court may do so. *Id.*

In his amended complaint Sorenson claims that a new law relating to the classification and registration of exotic animals is unjust. While plaintiff claims that this legislation is unfair, he does not allege the existence of any pending case or dispute regarding this legislation.

Sorenson is seeking an order of this Court declaring a new law relating to exotic animal unconstitutional. Because there is no actual case which requires this determination to be made, the Court does not have jurisdiction to entertain such a constitutional challenge. Therefore, plaintiff's action is dismissed.

Since the complaint is dismissed, plaintiff's motion for class certification is denied.

WHEREFORE, it is hereby

ORDERED, that this action is *dismissed*, and it is further

ORDERED, that plaintiff's motion for class certification (docket no. 3) is also denied, and it is further

ORDERED, that plaintiff immediately serve a copy of this Order on any party whom plaintiff had served or attempted to serve with process in this action, and it is further

ORDERED, that the Clerk serve a copy of this Order on the plaintiff by regular mail.

IT IS SO ORDERED.

Dated: Feb. 2, 2003

S/ Thomas J. McAvoy
Thomas J. McAvoy
U.S. District Judge

FILED
U.S. DISTRICT COURT-N.D. OF NY
FEB 3, 2003
Lawrence K. Baerman, Clerk-Binghamton

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 4th day of JUNE, two thousand four.

PRESENT: HON. RICHARD J. CARDAMONE,
HON. DENNIS JACOBS,
Circuit Judges,
HON. EDWARD R. KORMAN*
District Judge.

EXOTIC ANIMAL OWNERS,

Plaintiff,

RONALD SORENSON, also known as Ron James,

Plaintiff-Appellant,

V.

THE STATE OF NEW YORK, NYS ASSEMBLY, NEW YORK STATE SENATE,

Defendants.

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*The Honorable Edward R. Korman, Chief Judge of the

United States District Court for the Eastern District of New York, sitting by designation.

APPEARING FOR APPELLANT: RONALD SORENSON, *Pro Se,* Bronx, NY

ON SUBMISSION FOR APPELLEE.

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the judgment of the district court be AFFIRMED.

Appeal from the United States District Court for the Northern District of New York (McAvoy, J.).

Plaintiff-Appellant Ronald sorenson appeals from a decision of the United States District Court for the Northern District of New York dismissing his constitutional challenges to a state statute that requires owners and possessors of wild animals, including monkeys, to "report the presence thereof to the clerk of the city, town, or village in which such wild animal is owned, possessed, or harbored." N.Y. Gen. Mun. Law Section 209-cc (McKinney 2002). Sorenson owns a monkey and lives in the Bronx, New York, and challenges the reporting requirements of Section 209-cc primarily on equal protection grounds, *i.e.,* because the statute burdens wild animal owners, but no others.

Standing, a *necessary* prerequisite to commanding the time and attention of a federal court, exists if a complainant alleges (i) an " 'injury in fact'–an invasion of a legally protected interest that is (a0 concrete and particularized and (b) actual or imminent, not conjectual or hypothetical;" that is (ii) caused by the challenged conduct; and (iii) likely to be "redressed by a favorable decision." *Lujan v. Defenders of Wildlife,* 504 U.S. 555, 560 (1992) (internal quotation marks and citations omitted).

The district court apparently viewed Sorenson's claims as unripe on the ground that, as of the time he filed suit, the state had not yet sought to enforce Section 209-cc against him, *i.le.*, no "injury-in-fact." *See, e.g., U.S. v. Raines,* 362 U.S. 17, 20-21 (1960). We express no view on ripeness; assuming *arguendo,* that Sorenson has suffered sufficient injury-in-fact, this Court would be incapable of providing him any meaningful relief even if we were to recognize the constitutional deficiency he claims in Section 209-cc.

As a resident of New York City, Sorenson is subject to Section 161.01 of the municipal health code, which provides (with certain exceptions not relevant here) that "[n]o person shall sell or give to another person, possess, harbor or keep wild animals" within the City of New York. 24 RCNY Hlth. Code, Section 161.01(a). Monkeys are among the animals the code defines as "wild." 24 RCNY Hlth. Code Section 161.01(b)(8). So, even if Sorenson were no longer required to report his monkey to the clerk of the City of New York pursuant to Section 209-cc, he would still be forbidden to possess the creature within City limits. *See Flikshtein v. City of New York,* 710 N.Y.S.2d 112, 113 (App. Div. 2000) (holding that monkeys are *per se* prohibited in the City of New York). He thus has "no standing in this case, because we can only speculate whether the remedy [he] seek[s] would redress [his] purported injuries." *New York Coastal P'ship, Inc. v. United States Dep't of the Interior,* 341 F.3d 112, 116-17 (2d Cir. 2003).

For the reasons set forth above, the judgment of the district court is hereby *AFFIRMED.*

Subsequent to oral argument in this case, Sorenson submitted a motion to amend his pleadings, though he stated no justification for doing so at this late stage, nor has he explained what the nature of such an amendment would be. The motion

to amend is therefore *DENIED.*

FOR THE COURT:
Roseann B. MacKechnie, Clerk
By: s/ Richard Alcantara
Richard Alcantara, Deputy Clerk

A TRUE COPY
Roseann B. MacKechnie, CLERK
by s/ Segliu
DEPUTY CLERK

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED
JULY 06, 2004
SPENCER BAERMAN CLERK
ALBANY

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT
FILED
JUN 4, 2004
Roseann B. MacKechnie, Clerk

STATE OF NEW YORK

SENATE BILL 7616

STATUS:

S7616 MARCELLINO

Environmental Conservation Law

TITLE.....Prohibits the possession, sale, barter, transfer, exchange and import of wild animals as pets

06/18/04REFERRED TO RULES

06/21/04ORDERED TO THIRD READING CAL.1787

06/22/04PASSED SENATE

06/22/04DELIVERED TO ASSEMBLY

06/22/04referred to ways and means

06/22/04substituted for a2684f

06/22/04ordered to third reading rules cal.1380

06/22/04passed assembly

06/22/04returned to senate

SUMMARY:

MARCELLINO, BALBONI, MALTESE, MARCHI

Amd SS11-0103 & 11-0511, add SS11-0512 & 11-0516, En Con L

Prohibits the possession, sale, barter, transfer, exchange and import of wild animals as pets; authorizes department of environment conservation to promulgate any rules and regulations necessary for the implementation of this act.

EXPLANATION - - Matter in italica (underscored) is new: matter in brackets [-] is old law to be omitted.

LBD04272-19-4

BILL TEXT:

STATE OF NEW YORK

7616

IN SENATE

June 19, 2004

Introduced by Sens. MARCELLINO, BALBONI, MALTESE. MARCHI - - read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to prohibiting the possession of wild animals as pets in New York State

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative findings. The legislature finds that keeping exotic animals as pets poses a serious threat to the health and safety of New York state residents. Wild animals including but not limited to monkeys, tigers and venomous snakes, are readily available for purchase throughout New York State.

Across the country, children have been mauled by tigers, asphyxiated by snakes, and bitten by monkeys. Wild

animals kept as pets can transmit serious diseases to people, including Herpes B, Salmonella and Ebola virus.

Recapture of escaped wild animals is an expensive and perilous endeavor for municipalities. Other states already prohibit private ownership of certain wild animals as pets, a position supported by the United States Department of Agriculture (USDA), the Centers for Disease Control (CDC) and the American Veterinary Medical Association (AVMA). New York must take similar steps to ensure the protection of the public and the humane treatment of wild animals.

§ 2. Subdivision 6 of Section 11-0103 of the environmental conservation law is amended by adding a new paragraph e to read as follows:

e. "Wild animal" shall not include "companion animal" as defined in section three hundred fifty of the agriculture and markets law. Wild animal includes, and is limited to, any or all of the following orders and families:

(1) Nonhuman primates and prosimians,

(2) Felidae (with the exception of domesticated and feral cats, which shall mean domesticated cats that were formerly owned and that have been abandoned and that are no longer socialized, as well as offspring of such cats), and hybrids thereof,

(3) Canidae (with the exception of domesticated dogs),

(4) Ursidae,

(5) All reptiles that are venomous by nature, pursuant to department regulation, and the following species and families: Boidae family, Asiatic (water) Monitor (V. Salvator), Nile Monitor (V. Nilocitus), White Throat Monitor (V.Albigularus), Black Throat Monitor (V. Albigularus Ionides) and Crocodile Monitor (V. Salvadori) and any hybrid thereof,

(6) Crocodilia.

§ 3. Section 11-0103 of the environmental conservation law is amended by adding two new subdivisions 31 and 32 to

read as follows:

31. "Pet" means an animal kept for the primary purpose of companionship that is normally maintained in or near the household of the owner or person who cares for such domesticated animal.

32. "Wildlife sanctuary" means an organization as described in section 170 (b) (1) (A) (vii) of the Internal Revenue Code of 1986, and approved by the Association of Sanctuaries or the American Sanctuary Association, and that operated a place of refuge where abused, neglected, unwanted,
impounded, abandoned, orphaned, or displaced wild animals are provided care for their lifetime or rehabilitated and released back to their natural habitat, and, with respect to any animal owned by the organization, does not:

a. Use the animal for any type of entertainment, recreational or commercial purpose;

b. Sell, trade, lend or barter the animal or the animal's body parts; or

c. Breed the animal.

§ 4. Section 11-0511 of the environmental conservation law, as amended by chapter 432 of the laws of 1997, is amended to read as follows:

§ 11-0511. Possession and transportation of wildlife.

Subject to the provisions of section 11-0512 of this article, no person shall, except under a license or permit first obtained from the department containing the prominent warning notice specified in subdivision nine of section 11-0917 of this article, possess, transport or cause to be transported, imported or exported any live wolf, wolfdog, coyote, coydog, fox, skunk, venomous reptile raccoon, endangered species of wildlife or fish would present a danger to the health or welfare of the people of the state, an individual resident or indigenous fish or wildlife population. Environmental conservation officers, forest rangers

and members of the state police may seize every such animal possessed without such license or permit. No action for damages shall lie for such seizure, and disposition of seized animals shall be at the discretion of the department.

§ 5. The environmental conservation law is amended by adding a new section 11-0512 to read as follows:

§ 11-0512. Possession, sale, barter, transfer, exchange and import of wild animals as pets prohibited.

1. No person shall knowingly possess, harbor, sell, barter, transfer, exchange or import any wild animal for use as a pet in New York state, except as provided in subdivision three of this section.

2. This section shall not apply to the following persons and entities with respect to wild animals owned or harbored by them solely for a purpose other than for use as a pet:

a. Zoological facilities licensed pursuant to 7 USC. Sec. 2132 et. seq. and accredited by AAZPA (American Association of zoological parks and Aquariums);

b. Exhibitors licensed pursuant to the Animal Welfare Act, 7 USC. Sections 2123-2134 who have demonstrated to the department, in accordance with regulations promulgated by the commissioner, that the sole purpose for which the wild animal or animals are used is for exhibition to the public for profit or compensation;

c. Research facilities as defined in the Animal "Welfare Act," 7 USC. Section 2123 (e), 2 (e) which are licensed by the United States Secretary of Agriculture and approved under applicable state law;

d. Licensed veterinarians and incorporated humane societies, animal shelters, societies for the prevention of cruelty of animals or animal welfare organizations in temporary possession of wild animals;

e. State universities or other state agencies working with wild animals;

f. Wildlife rehabilitators licensed pursuant to the provisions of subdivision three of section 11-0515 of this title and regulations promulgated thereunder, who are tending to sick or injured wild animals;

g. a person having custody of a wild animal solely for the purpose of transporting it to a licensed veterinarian, wildlife rehabilitator, humane society or other entity authorized by this section to handle or treat wild animals;

h. A wildlife sanctuary as defined in subdivision thirty-two of section 11-0203 of this article;

i. A person with a falconry or hawk license pursuant to section 11-1003 of this article;

j. A person who is not a resident of this state who is in the state only for the purpose of traveling between locations outside the state. In no event shall this time period exceed ten days;

k. Reptile exhibitors licensed pursuant to section 11-0516 of this title.

3. Any person who possesses or harbors a wild animal for use as a pet at the time that this section takes effect may retain possession of such animal for the remainder of its life, provided that such person:

a. Has not been convicted of any offense relating to cruelty to animals or under a judicial order prohibiting possession of animals;

b. Applies to the department within sixty days of the effective date of this section, and obtains from the department, a permit pursuant to subdivision four of this section; and

c. Complies with all rules and regulations established by the department as requisites for ownership of such wild animal.

4. The department shall be required to issue permits authorizing possession of wild animals only to those persons who comply with the provisions of subdivision three of this section and with any regulations promulgated by the department thereunder. Such permits shall be valid in any jurisdiction within the state where possession of a wild animal is not prohibited by local law and shall be renewable biennially annually subject to continued compliance with the provisions of this section and with any regulations promulgated thereunder. The department shall forward copies of such permits to the clerk of the city, town or village in which each wild animal is harbored.

a. Permit applications shall include, but shall not be limited to the following:

(1) the name, address and telephone number of the person who owns, possesses or harbors the wild animal or animals, including an acknowledgment that the person who owns, possesses or harbors the wild animal or animals is twenty-one years of age or older.

(2) the address of the location where the wild animal or animals will be kept, if different from the above,

(3) A detailed description of each wild animal owned, possessed or harbored, including species, gender, age and any identifying characteristics.

(4) The name, address and telephone number of the veterinarian, who will treat the wild animal.

(5) an acknowledgment indicating that the wild animal or animals will not be bred.

(6) A detailed statement establishing that the location in which the wild animal will be kept complies with all standards of care promulgated by the department, but at minimum complies with the standards for animal care set forth in the Federal Animal Welfare act including, but not limited to

housing, temperature, ventilation, drainage, sanitation, food, water, exercise and veterinary care appropriate to the species and sufficient to maintain the wild animal in good health.

(7) An acknowledgment that the wild animal will not be tied, tethered, or chained outdoors, allowed to run at large and that the wild animal will not be brought to any public park or commercial or retail establishment unless it is being brought to a veterinarian or veterinary clinic.

(8) An acknowledgment that possession , harboring or owning such wild animal does not violate any applicable federal, state or local law.

b. The department shall set annual permit fees for the possession of wild animals pursuant to subdivision three of this section in an amount determined to be reasonable but not more than eighty dollars per year for each wild animal, permit fees shall be used solely for the enforcement of this section.

5. Prior to denial or revocation of a permit issued pursuant to subdivision four of this section, the department shall hold a hearing upon due notice to the person who owns, harbors or possesses the wild animal, at which such person shall have the opportunity to be heard, the proceedings held in accordance with this subdivision. The decision to deny or revoke a permit under this section shall be appealable,

6. Any person in possession of a wild animal as a pet that has been granted a permit pursuant to subdivision four of this section shall not breed, sell, trade, barter or exchange such wild animal.

7. A person possessing owning or harboring a wild animal who is denied a permit pursuant to subdivision four of this section, or whose permit is revoked, shall surrender such wild animal to the department or an authorized agent thereof or a peace officer of this state or a duly incorporated society for the prevention of cruelty to animals.

8. The department, any peace officer of this state or a duly incorporated society for the prevention of cruelty to animals is hereby authorized to enforce the provisions of this section and issue notices of violation to persons in violation of this section, and shall have the authority to seize any wild animal held in violation of this section. Wild animals seized or surrendered pursuant to the provisions of this section shall be transferred to a duly incorporated wildlife sanctuary as defined in this section, or a zoological facility accredited by the American Association of Zoological Parks and aquariums, or shall be humanely euthanized, the department shall also have the authority to seek injunctive relief in any court of appropriate jurisdiction to prevent continued violations of this section.

9. Notwithstanding any other provision of law, any person who knowingly breeds a wild animal or knowingly possesses, owns harbors, sells, barter, transfers, exchanges, or imports a wild animal for use as a pet in violation of the provisions of this section shall be subject to the penalty of not more than five hundred dollars for the first offense and not more than one thousand dollars for a second and subsequent offenses. Each instance of breeding, owning, harboring, sale, barter, transfer, exchange, or import of a wild animal in violation of this section shall constitute a separate offense.

10. Nothing contained in this section shall prevent any city, town or county from enacting more restrictive provisions governing the possession of wild animals for use as pets.

§ 6. The environmental conservation law is amended by adding a new section 11-0516 to read as follows:

§ 11-0516. Licenses to possess reptiles for exhibition purposes.

Notwithstanding any other provision of law to the

contrary, the department may issue to any person a license revocable at its pleasure to collect or possess reptiles that are prohibited under this chapter, for exhibition purposes. However a license to possess a venomous snake or snake of the boidae family pursuant to this section shall not allow a licensee to exhibit such snake in a school housing any grades prekindergarten through twelve. The department shall adopt regulations concerning the qualifications and duties of reptile exhibitors and the procedures for license issuance and revocation, including requiring a licensee to attend a four hour course approved by the department in one or more of the following areas of specialization:

1. crocodilias;
2. boids;
3. large monitor lizards; or
4. venomous snakes.

§ 7. This act shall take effect January 1, 2005; provided however that the department of environmental conservation shall promulgate any rules and regulations necessary for the implementation of this act on or before such effective date.